

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

TRISTAN DI MONTENEGRO, §  
§  
Plaintiff, §  
§  
v. § Civil Action No. 4:22-cv-476-ALM-KPJ  
§  
KATHLEEN MURPHY, *et al.*, §  
§  
Defendants. §

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 3, 2023, the Magistrate Judge entered proposed findings of fact and recommendations (the “Report”) (Dkt. #41) that the Motion to Dismiss filed by Defendants Phillip Gonzalo Ayala and Kathleen Murphy (Dkt. #17) and the Motion to Dismiss filed by Defendant Matthew DeSarno (Dkt. #27) be granted, and Plaintiff Tristan di Montenegro’s claims in this matter be dismissed with prejudice.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is therefore **ORDERED** that all of the claims in this action are **DISMISSED WITH PREJUDICE**.

All relief not previously granted is **DENIED**, and the Clerk is directed to **CLOSE** this action.

**IT IS SO ORDERED.**

**SIGNED this 22nd day of March, 2023.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE